

United States District Court
Northern District of New York

Garin C. Thomas
Plaintiff

-v-

Delaney, Dupra and LaValley
Defendants

Motion to Joinder of
Parties and amendment
of Pleadings. Civil No.
9:17-CV-1023

On February 15, 2016 at Clinton annex Correctional facility officer Delaney forced me to make changes to my hair and after complying I was sent to Confinement/keeplocked which violated my 1st Amendment right to free exercise my religion and 14th Amendment under the United States Constitution. Delaney orders and actions conflicted and deprived me my right to practice my religion by interfering with my beliefs. The Rastafarian faith has a Constitutional exemption from hair length and style. See Benjamin v. Cahlin (905 F.2d 571).

On May 11, 2016 at Clinton annex Correctional facility officer Dupra forced me to remove my religious headwear in dorm area, then forced me to make changes to my hair, after complying Dupra issued me a misbehavior report about my hair. Dupra violated my 1st Amendment right to exercise my

Religion and 14th Amendment also Religious land use and Institutionalized persons act. (RLUIPA).

on October 20, 2017 at Clinton annex Correctional facility officer Lavalley forced me to remove my religious headwear then ordered me to change the way my hair was at that time which conflicted with my religious beliefs, I tried to inform him that I was Rastafarian and he said it doesn't matter. Officer Lavalley violated my 1st Amendment right to exercise my religion. on November 9, 2017 Lavalley stopped me while walking through 460 gate area he then started to call me inappropriate names like "little pussy" and "little bitch", he also states "you like putting stuff on paper, do it again and see what happens", which I took as a threat. I filed a grievance about that incident November 10th, 2017 which the grievance committee still have not addressed. officer Lavalley clearly harassed me, officer Lavalley violated^{my} religious rights and his actions shows religious discrimination which violates my 1st Amendment 14th Amendment under the united states Constitution also under religious land use and institutionalized persons act.

On February 18, 2018 at Clinton annex Correctional facility officer Stoughton stopped me on the way to a visit to see my family, Stoughton told me that my hair was in a illegal hair style which my hair was not, I then tried to explain to Stoughton that I am Rastafarian and that my hair is part of my culture and religious beliefs. Stoughton then stated that "my religion does not mean anything", and "he does not care what I am". My visit was delayed 20 minutes. The very next day on February 19, 2018 I received a misbehavior report from officer Stoughton and then placed in confinement/keeplocked for 24 hours until I changed my hair to his liking. I was released from Confinement/keeplocked on February 20, 2018 with penalties of loss of phone, packages, Commissary and recreation for 17 days. On March 3rd, 2018 I received my privileges back. Stoughton deprived me from practicing my religion which is my right under United States Constitution 1st Amendment 14th Amendment and Violation of religious land use and institutionalized persons act. Stoughton had my privileges taken for practicing my religion which is cruel and unusual punishment.

On May 18th, 2018 while in the yard at Clinton annex

Around 5:45 pm officer Crowningshield approached me on the line to go back inside and stated "give me your I.D., your the guy thats suing my friends, I dont like you or any of your kind, Im keeping your I.D. for a month so dont try to get a new one because if I see you outside again, that will be the last time anybody will see you" The words were used in a threatening tone and manner.

Crowningshield Confiscated my I.d. to deprive me recreation to retaliate because of the suit pending against his fellow officers who are Lavalley, Dupra and Delaney. On May 21st, 2018 I wrote a grievance/ Complaint to the Superintendent and to the Grievance Committee about the incident that occurred with Crowningshield, on May 22, 2018 I got a new I.d., on May 23rd, 2018 I had a interview with Sgt. Ashline about the incident with Crowningshield and I called 2 witnesses that witnessed the incident. I called R. Harris 16A5270 and J. Rotella 16A3233 who testified before Sgt. Ashline and told him about the incident with Crowningshield. Crowningshield Violated my 1st Amendment to be free from Retaliation He also violated my 14th Amendment by racial discrimination by his actions and the words he used when approaching me. also cruel punishment when I was deprived recreation for not having a Id.

Officers Delaney, Dupra, LaValley, Staughton and Clowingshield violated my rights under 1st Amendment and 14th Amendment of the United States Constitution. These officers violated my rights under Religious Land Use and Institutionalized Persons Act. I received cruel and unusual punishment by each of these officers. I was harassed by each of these officers. I was racially discriminated by ~~each~~ each of these officers. The actions by these officers show religious discrimination which is a substantial burden on my religious practices.

I seek Compensatory damages from each of these officers for the pain and suffering that I deal with when not being allowed to practice my religion which is a total of 500,000.00[#] in Compensatory damages.

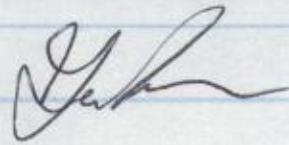
I seek Punitive damages from each of these officers for the evil intent by these officers that shows from the pattern of abuse by punishing me for wanting to practice my religion which is a total of 500,000.00[#] in Punitive damages.

I seek nominal damages because my rights were violated by each of these officers which is

a total of 500,000.00[#] in nominal damages.
I also seek to be lefted to practice my
religion to the best of my abilities and a
court order exemption for hair length and style.

Respectfull Submitted,

Date: 5-31-18

A handwritten signature in black ink, appearing to be 'Jah' or similar, written in a cursive style.

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

CLINTON CORRECTIONAL FACILITY

P.O. BOX 2002
DANNEMORA, NEW YORK 12929

NAME: Gavin Thomas DIN: 1640095

Clinton



Correctional Facility

NEOPOST
06/01/2018

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FIRST-CLASS MAIL

US POSTAGE

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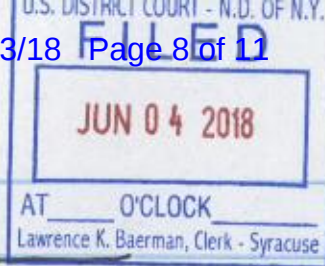


ZIP 12929
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Clerk, U.S. District Court
P.O. BOX 17367
100 S. Clinton Street
Syracuse, New York 13261-7367
13261361002061

Legal mail



United States District Court
Northern District of New York

Gavin C. Thomas

Plaintiff

-V-

Affidavit and Support
Civil No. 9:17-CV-1023

Delaney, Dupra and Lavalley
Defendants

Affidavit of Gavin C. Thomas

I Gavin C. Thomas being duly sworn according to the law depose and say that I am the Plaintiff in the above entitled Proceeding:

Statement: On February 15, 2016 Correctional officer Delaney forced me to make changes to my hair that conflicted with my religious beliefs, after complying I was then sent to Confinement/keeplocked at Clinton Annex. On May 11, 2016 Correctional officer Dupra forced me to remove my religious headwear, then forced me to change the way my hair was that conflicted with my religious beliefs, Dupra then wrote me a Misbehavior Report about my hair to punish me because of my right to practice my religion. On October 20, 2017 Correctional officer Lavalley forced me to remove my religious headwear then ordered me to change the way my hair was that conflicted with my religious beliefs at Clinton Annex. On November 9th, 2017 Correctional

Officer Lavalley stopped me while walking through 460 gate area in Clinton annex to call me inappropriate names like "little pussy" and "little bitch" and also he states "you like putting stuff on paper, do it again and see what happens" which I took as a threat. I mentioned his behavior in a grievance I filed against Lavalley on November 10th, 2017 which the grievance Committee still have not addressed after submitting multiple times. On February 18th, 2018 Correctional officer Staughton stopped me on the way to a visit to see my family, while waiting (at the 460 gate area in Clinton annex) for a officer to bring me to my visit officer Staughton told me that my hair was in an illegal hair style, "which my hair was not", I then tried to explain to Staughton that I am Rastafarian and that my hair is part of my culture and religion, Staughton then stated that my religion does not mean anything and he does not care what I am. My visit was delayed 20 minutes or so. The very next day on February 19th, 2018 I received a misbehavior report from Staughton and then placed in Confinement / kept locked for 24 hours until I changed my hair to his liking. I was released from Confinement on February 20th, 2018 with

penalties of loss of phone, packages, commissary and recreation for 17 days, I received my privileges back on March 3rd, 2018. On May 18th 2018 while in the yard at Clinton annex around 5:45 pm Officer Crounshield approached me on the line to go back inside and stated "give me your I.D., you the guy that's suing my friends, I don't like you or any of your kind I'm keeping your I.D. for a month so don't try to get a new one because if I see you outside again that will be the last time anybody will see you" The words were used in a threatening tone and manner. The reason he confiscated my I.D. was to deprive me recreation to retaliate because of the suit pending against his fellow officers who are Hall Valley, Dupla and Delaney. On May 21st 2018 I wrote a grievance/complaint to the superintendent and to the Grievance Committee about the incident that occurred with Crounshield, on May 22nd I got a new I.D., on May 23rd, 2018 I had a interview with [redacted] Sgt. Ashline about the incident with Crounshield, and I called 2 witnesses that witnessed the incident. I called R. Harris 16A5270 and J. Rotella 16A3233 who testified before Sgt. Ashline and told him about the incident with Crounshield. Officer Crounshield Violated

my 1st Amendment under United States Constitution by retaliation against me for his fellow officers, also Crowsshield violated my rights under the Fourteenth Amendment by racial discrimination by his actions and the words he used when approaching me. I am attempting to exhaust Administrative remedies but I may not have enough time because of the court deadlines, also the institution grievance system are unable to grant relief I seek.

All the above information I have submitted is true and correct.

Respectfully submitted,

Gavin C. Thomas
sign

Gavin C. Thomas
Print

Sworn to before me this

3rd day of May 2018

Brian A. Labombard
Notary Public

